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EXAMINER

CHOI, MICHAEL P

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2621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/665,090	Applicant(s) KATSUO ET AL.	
	Examiner Michael Choi	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Applicant's arguments filed 12/29/09 have been fully considered but they are not persuasive.

As per remarks on pages 25 and 26, applicant argues that nothing is found that discloses or teaches wherein the second file of the second format includes all of the first data collectively placed in one part of the body and includes all the second data collectively placed in another part of the body. In response, Wilkinson teaches such limitation in Paragraphs [0115,0125,0128,129,135,0140]; and in Figs. 6 and 7 – where Wilkinson illustrates system, picture and audio items collectively placed in other parts of contents package and further shown in paragraphs [15,16 and 147] – where such content can be reproduced in non-audio modes independent of audio.

As such and for reasons listed below, no independent or dependent claims are allowable. Such independent claims are rejected wherein such rejections are inherited in the dependent claims along with associated art rejections.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-61 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 21, 41 and 61 recite the limitation “the other file of the two files”. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-20, 22-40 and 42-60 inherit such deficiencies and are rejected thereupon.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 62 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The USPTO “Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility” (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

Nonfunctional descriptive material that does not constitute a statutory process, machine, manufacture or composition of matter and should be rejected under 35 U.S.C. Sec. 101. Certain types of descriptive material, such as music, literature, art, photographs, and mere arrangements or compilations of facts or data, without any functional interrelationship is not a process, machine, manufacture or composition of matter. USPTO personnel should be prudent in applying the foregoing guidance. Nonfunctional descriptive material may be claimed in combination with other functional descriptive multi-media material on a computer-readable medium to provide the necessary functional and structural interrelationship to satisfy the requirements of 35 U.S.C. Sec. 101. The presence of the claimed nonfunctional descriptive material is not necessarily determinative of nonstatutory subject matter. For example, a computer that recognizes a particular grouping of musical notes read from memory and upon recognizing that particular sequence, causes another defined series of notes to be played, defines a functional interrelationship among that data and the computing processes performed when utilizing that data, and as such is statutory because it implements a statutory process.

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Claim 62 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 62 recites a computer-readable medium, where the closest support for such medium is found in Paragraphs 10 and 211 which recite a recording medium to be a flexible disk, a Compact Disc-Read Only Memory (CD-ROM), an Magneto-Optical (MO) disk, a Digital Versatile Disk (DVD), a magnetic disk, or a semiconductor memory. Yet such medium does not impart functionality to a computer or computing device, and is thus considered nonfunctional descriptive material. Such nonfunctional descriptive material, in the absence of a functional interrelationship with a computer, does not constitute a statutory process, machine, manufacture or composition of matter and is thus non-statutory per se.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 10-13, 30-43 and 50-62 are rejected under 35 U.S.C. 103(a) as being obvious over Wilkinson (US 2002/0164149 A1).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of

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invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Regarding Claim 1, Wilkinson teaches a conversion apparatus for converting file data including a header, a body, and a footer (Paragraph [0013]), comprising:

- conversion means for converting a respective one file from a first file of a first format, which includes first data and second data placed in a multiplexed state in the body (Paragraph [0002] – video and audio data, see Abstract), and a file of a second format, which includes the first data or the second data collectively placed in the body into the other one of the two files (Paragraphs [0015,0080,0142] – SDI or SDTI and MXF conversion),
- wherein the second file of the second format includes all of the first data collectively placed in one part of the body and includes all the second data collectively placed in another part of the body (Paragraphs [0115,0125,0128,129,135,0140]; Figs. 6 and 7 – system, picture and audio items collectively placed in other parts of contents package and further shown in paragraphs [15,16 and 147] - showing that such content can be reproduced in non-audio modes).

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Regarding Claim 2, Wilkinson teaches the conversion apparatus according to claim 1, wherein said conversion means includes first format conversion means for converting a file of the first format into a file of the second format (Paragraph [0133] – MXF converter).

Regarding Claim 3, Wilkinson teaches the conversion apparatus according to claim 2, wherein the first and second data are video data and audio data, respectively (Paragraph [0002] – video and audio data, Fig. 7, picture and audio data).

Regarding Claim 10, Wilkinson teaches the conversion apparatus according to claim 3, wherein the body of a file of the first format has metadata placed therein in a form multiplexed together with the video data and the audio data, and said first format conversion means further includes metadata file preparation means for preparing a metadata file in which the metadata multiplexed in the bodies of a file of the first format are collectively placed (Paragraph [0115,0129,0125,0140]).

Regarding Claim 11, Wilkinson teaches the conversion apparatus according to claim 10, wherein said first format conversion means further includes file preparation means for preparing a master file describing a pointer to the metadata file (Paragraph [0115,0129,0125,0140]).

Regarding Claim 12, Wilkinson teaches the conversion apparatus according to claim 2, further comprising recording means for recording a file of the second format obtained by said second format conversion means onto a recording medium (Figs. 10-12, 46 – file transfer/storage).

Regarding Claim 13, Wilkinson teaches the conversion apparatus according to claim 1, wherein said conversion means includes second format conversion means for converting a file of the second format into a file of the first format (Figs. 10-12, 48,50,52 – de-multiplex of MXF through encoder to SDTI).

Regarding Claim 14, Wilkinson teaches the conversion apparatus according to claim 13, wherein the first and second data are video data and audio data, respectively (Paragraph [0002] – video and audio data, Fig. 7, picture and audio data).

Regarding Claim 15, Wilkinson teaches the conversion apparatus according to claim 14, wherein a file of the second format includes a video file wherein a header and a footer of a form same as that of a file of the first format is added to the body in which the video data are placed collectively (Paragraph [0115,0129,0125,0140]), and audio files for audio data of a plurality of channels in each of which a header and a footer of a form same as that of a file of the first format is added to the body in which the audio data of the channel are placed collectively (Paragraph [0115,0129,0125,0140]), and said second format conversion means includes:

- video header/footer removal means for removing the header and the footer from the video file (Paragraph [0129,0135]);
- video data decomposition means for decomposing the video data of the video file into video data of units to be multiplexed with the audio data ((Paragraphs [0139,0140]);
- audio header/footer removal means for removing the headers and the footers from the audio files (Paragraph [0129,0135]);

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- channel multiplexing means for multiplexing the audio data of the channels of the audio files and outputting resulting channel-multiplexed audio data (Paragraphs [0115,0128,0135]);
- data multiplexing means for multiplexing the video data obtained by said video data decomposition means and the channel-multiplexed audio data obtained by said channel multiplexing means (See Abstract, Paragraphs [0115,0129,0135,0140]); and
- header/footer addition means for adding a header and a footer of a file of the first format to a body provided by the data obtained by said data multiplexing means (Paragraphs [0055,0090,0091,0093,0110,0135] – addition of header and footer with mapping).

Regarding Claim 16, Wilkinson teaches the conversion apparatus according to claim 15, wherein the audio data of the audio files in a file of the second format is KLV-encoded audio data (Paragraphs [0042,0044,0045,0050+]), and said second format conversion means further includes:

- KLV structure decomposition means for decomposing a KLV structure of the KLV-encoded audio data (Paragraphs [0139,0140]); and
- KLV structuring means for KLV-encoding the channel-multiplexed audio data into audio data of the KLV structure in a unit to be multiplexed with the video data (Paragraphs [0090,0091,0093,0095,0129,0135] – encoding).

Regarding Claim 17, Wilkinson teaches the conversion apparatus according to claim 15, wherein the audio data in a file of the second format are data encoded by a second coding method from between first and second coding methods (Figs. 10-12, 36 – SDTI-CP encoder), and said second format conversion means further includes audio data conversion means for

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converting the audio data of the audio files from audio data encoded by the second coding method into audio data encoded by the first coding method (Figs. 10-12, 42 – MXF creator; Paragraphs [0135,0137,0139]).

Regarding Claim 18, Wilkinson teaches the conversion apparatus according to claim 15, wherein a file of the second format further includes a metadata file in which the metadata are placed collectively, and said data multiplexing means multiplexes not only the video data and the channel-multiplexed audio data but also the metadata (Paragraph [0115,0129,0125,0140]).

Regarding Claim 19, Wilkinson teaches the conversion apparatus according to claim 13, further comprising transmission means for transmitting the file of the first format obtained by said second format conversion means through a transmission medium (Figs. 10-12, 46 – file transfer).

Regarding Claim 20, Wilkinson teaches the conversion apparatus according to claim 1, wherein the first format is the Material Exchange Format (MXF) (Fig. 1; Paragraphs [0041,0042,0053]).

Claims 21 and 41 are rejected under the same grounds as claim 1.

Claims 22 and 42 are rejected under the same grounds as claim 2.

Claims 23 and 43 are rejected under the same grounds as claim 3.

Claims 30 and 50 are rejected under the same grounds as claim 10.

Claims 31 and 51 are rejected under the same grounds as claim 11.

Claims 32 and 52 are rejected under the same grounds as claim 12.

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Claims 33 and 53 are rejected under the same grounds as claim 13.

Claims 34 and 54 are rejected under the same grounds as claim 14.

Claims 35 and 55 are rejected under the same grounds as claim 15.

Claims 36 and 56 are rejected under the same grounds as claim 16.

Claims 37 and 57 are rejected under the same grounds as claim 17.

Claims 38 and 58 are rejected under the same grounds as claim 18.

Claims 39 and 59 are rejected under the same grounds as claim 19.

Claims 40 and 60 are rejected under the same grounds as claim 20.

Regarding Claim 61, Wilkinson teaches a computer-readable medium storing an executable program causing a computer to execute a conversion method for converting file data including a header, a body, and a footer (Paragraphs [0001,0013,0026]), said program comprising:

- a conversion step of converting a respective one file from a first file of a first format, which includes first data and second data placed in a multiplexed state in the body (Paragraph [0002] – video and audio data, see Abstract), and a second file of a second format, which includes the first data or the second data collectively placed in the body, into the other file of the two files (Paragraphs [0015,0080,0142] – SDI or SDTI and MXF conversion),
- wherein the second file of the second format includes all of the first data collectively placed in one part of the body and includes all of the second data collectively placed in another part of the body (Paragraphs [0115,0125,0128,129,135,0140]; Figs. 6 and 7 – system, picture and audio items collectively placed in other parts of contents package and further shown in paragraphs [15,16 and 147] - showing that such content can be reproduced in non-audio modes).

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Regarding Claim 62, Wilkinson teaches a computer-readable medium storing file data including a header, a body, and a footer (Paragraphs [0013+]), comprising:

- a video file wherein a header and a footer are added to a body in which video data are placed collectively (Paragraphs [0055,0090,0093,0110] – addition of header and footer with mapping);
- audio files for a plurality of channels in each of which a header and a footer are added to a body in which audio data of the channel are placed (Paragraphs [0055,0090,0091,0093,0110,0135] – addition of header and footer with mapping); and
- a master file describing a pointer to the video file and pointers to the individual audio files of the channel (Paragraphs [0110,0113,0127,0129]),
- wherein the file includes all of the video data collectively placed in one part of the body and includes all the audio data collectively placed in another part of the body (Paragraphs [0115,0125,0128,129,135,0140]; Figs. 6 and 7 – system, picture and audio items collectively placed in other parts of contents package and further shown in paragraphs [15,16 and 147] - showing that such content can be reproduced in non-audio modes).

8. Claims 4-9, 24-29 and 44-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkinson (US 2002/0164149 A1) in view of Shirata et al. (US 2001/0043784 A1).

Regarding Claim 4, Wilkinson teaches the conversion apparatus according to claim 3, wherein said first format conversion means includes:

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- video header/footer addition means for adding a header and a footer of a form same as that of a file of the first format to a body provided by the video data coupled by said video data coupling means to prepare a video file of said video data (Paragraphs [0055,0090,0093,0110] – addition of header and footer with mapping).

Wilkinson fails to explicitly teach video data extraction means for extracting the video data multiplexed with the audio data in a file of the first format; video data coupling means for coupling the video data extracted by said video data extraction means. But Shirata et al. teaches video data extraction means for extracting the video data multiplexed with the audio data in a file of the first format (Paragraphs [0031,0032,0035]); video data coupling means for coupling the video data extracted by said video data extraction means (Paragraphs [0039,0040]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a device that extracts and separates both audio and video for feasible signal processing of signals for addition or removal of data as well as quality adjustments.

Regarding Claim 5, Wilkinson teaches the conversion apparatus according to claim 4, wherein said first format conversion means further includes file preparation means for preparing a master file describing a pointer to the video file (Paragraphs [0110,0113,0127,0129]).

Regarding Claim 6, Wilkinson teaches the conversion apparatus according to claim 3, wherein the audio data in a file of the first format are channel-multiplexed audio data formed from audio data of a plurality of channels multiplexed with each other (Paragraph [0115,0129,0125,0140]), and said first format conversion means includes:

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- audio header/footer addition means for adding a header and a footer of a form same as that of a file of the first format to a body provided by the audio data of each of the channels to prepare audio files of the audio data for the individual channels (Paragraphs [0055,0090,0091,0093,0110,0135] – addition of header and footer with mapping).

Wilkinson fails to explicitly teach audio data extraction means for extracting the channel-multiplexed audio data multiplexed with the video data in a file of the first file format; audio data separation means for separating the channel-multiplexed audio data extracted by said audio data extraction means into the audio data of the individual channels. But Shirata et al. teaches audio data extraction means for extracting the channel-multiplexed audio data multiplexed with the video data in a file of the first file format (Paragraphs [0031,0032,0035]); audio data separation means for separating the channel-multiplexed audio data extracted by said audio data extraction means into the audio data of the individual channels (Paragraphs [0039,0040]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a device that extracts and separates both audio and video for feasible signal processing of signals for addition or removal of data as well as quality adjustments.

Regarding Claim 7, Wilkinson teaches the conversion apparatus according to claim 6, wherein the channel-multiplexed audio data in a file of the first format are Key, Length, and Value (KLV)-encoded data (Paragraphs [0042,0044,0045,0050+]), and said first format conversion means includes:

- KLV structure decomposition means for decomposing a KLV structure of the KLV-encoded channel-multiplexed audio data extracted by said audio data extraction means

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and supplying resulting audio data to said audio data separation means (Paragraphs [0115,0135,0139,0140]); and

- KLV structuring means for KLV-encoding the audio data of the channels obtained by said audio data separation means so as to individually have a KLV structure (Paragraphs [0066-0068]); said audio header/footer addition means adding a header and a footer to a body provided by the audio data of each of the channels structured by said KLV structuring means so as to have a KLV structure (Paragraphs [0090,0091,0093,0095,0129,0135] – addition of header and footer with mapping).

Regarding Claim 8, Wilkinson teaches the conversion apparatus according to claim 6, wherein the audio data of a file of the first format are data encoded by a first coding method (Fig. 10, 40 - audio encode), and said first format conversion means further includes audio data conversion means for converting the audio data of the channels coded by the first coding method (Fig. 10, 42 – MXF creator; Paragraph [0133]) and obtained by said audio data separation means into audio data of the channels encoded by a second coding method (Fig. 10, 36 - SDTI-CP encoder).

Regarding Claim 9, Wilkinson teaches the conversion apparatus according to claim 6, wherein said first format conversion means further includes file preparation means for preparing a master file describing pointers to the audio files of the channels (Fig. 3 - mapping header for audio frames; in at least Paragraphs [0097,0119,0123]).

Claims 24 and 44 are rejected under the same grounds as claim 4.

Claims 25 and 45 are rejected under the same grounds as claim 5.

Claims 26 and 46 are rejected under the same grounds as claim 6.

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Claims 27 and 47 are rejected under the same grounds as claim 7.

Claims 28 and 48 are rejected under the same grounds as claim 8.

Claims 29 and 49 are rejected under the same grounds as claim 9.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Choi whose telephone number is (571) 272-9594. The examiner can normally be reached on Monday - Friday 9:00AM - 5:30PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/Michael Choi/
Examiner, Art Unit 2621